

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-130028
	:	TRIAL NO. B-1201058
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
ROBERT TOMPKINS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Robert Tompkins appeals the judgment of the Hamilton County Court of Common Pleas convicting him of robbery, a felony of the second degree. He was convicted after entering a guilty plea.

In his first assignment of error, Tompkins argues that his guilty plea was not knowingly and voluntarily entered. He contends that the trial court erred in accepting the evaluations of medical experts indicating that he was competent to stand trial and that his insanity defense was without merit.

A person is presumed competent to stand trial until it is shown by a preponderance of evidence that, because of his present mental condition, he is incapable of understanding the nature of the proceedings against him or assisting in his defense. R.C. 2945.37(G). A trial court's finding that a defendant is competent

will not be disturbed if it is based on some reliable, credible evidence to support its determination. *State v. Were*, 118 Ohio St.3d 448, 2008-Ohio-2762, 890 N.E.2d 263, ¶ 46.

In this case, we find no error in the trial court's finding. Tompkins and the state stipulated to expert evidence that he was competent to stand trial and, therefore, to enter a guilty plea. Similarly, the court was presented with evidence that Tompkins had been legally sane at the time he had committed the robbery. *See* R.C. 2901.01(A)(14). And while Tompkins claims that the trial court inappropriately coerced him into entering the guilty plea, our review of the proceedings convinces us that the trial court's colloquy with Tompkins was intended to ensure his understanding of the plea. There were no defects in the plea hearing, and we overrule the first assignment of error.

In his second and final assignment of error, Tompkins argues that the trial court erred in failing to inform him that he could perform community service in lieu of paying court costs. *See* R.C. 2947.23(A). The trial court did not impose court costs and was therefore not required to inform Tompkins of the alternative. We overrule the second assignment of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., DINKELACKER and DEWINE, JJ.

To the clerk:

Enter upon the journal of the court on August 28, 2013
per order of the court _____.
Acting Presiding Judge